G.M. No:679: 1917

TREATY RIGHTS OF MYSORE WITH THE BRITISH GOVERNMENT.

G. R. S. IX-5]

Previous references.

General 15 of 1897
Railway 157/G — 16

~~Later references.~~

——— 157 — 13-14
Legis 26-13; 1-10, 13-14
Police 9 of 1883; 1-8
——— 105-15; 1-5
Ry 109-12-13.

GENERAL AND REVENUE SECRETARIAT.

1917-18

( )

File No. G.R.

Serial Nos.

Legis 13-17-1
Police 217-13 & 37-4
Ry 124-07
Ry 35/G circular
Ry 116/G — Rules
Ry general rules of

Gio 145/03 A Gw 145/03-B 145/03 och 1897 rules
mineral license 25/08 —

Later reference
CB 236-19-1

Serial Nos. 1 — 2

Part B for October

SUBJECT.

Treaty rights of Mysore with the British Government.

GENERAL AND REVENUE SECRETARIAT.

G. M.)

NOTES.

File No. 679-1

File Heading.

Treaty Rights of the Ruling Princes and Chiefs (Esp. Mysore).

From The F.A. Resident in Mysore

No. 65-C/252 Dated 27.3.1918 Received

Diary No. 8045A | Enclos. | Spare Copies | Serial No. 1

Brief Abstract of Letter.

Forwards a copy of the digest of the proceedings of an informal meeting held in the Viceregal Council on 4th & 5th Feb 18 and requests to be informed whether H.H. the Maharaja desires to bring to notice any case in which he considers there has been a failure to fulfil pledges given by the British

NOTES AND ORDERS.

Notes—First sheet.

GPB—15,000—24-4-09.

D. C. No. 7 5264

D.O. No 279
Enc two.

The Palace,
Mysore.
5th April 1918.

My dear Sir,

His Highness will feel obliged if you will favour him with the draft of a reply to the enclosed on the subject of Treaty Rights &c., of the Ruling Princes and Chiefs.

Yours sincerely,

Sir M. Visvesvaraya, K.C.I.E.,
Dewan of Mysore,
Bangalore.

3

D. O. No. 627

Bangalore,
9th April 1918.

My dear Sir,

I write to acknowledge the receipt of your demi-official letter No.279 dated 5th April 1918, enclosing ~~the~~ a communication from the First Assistant to the Hon'ble the Resident on the subject of Treaty Rights &c., of ~~the~~ Ruling Princes and Chiefs.

A draft reply will be prepared and submitted in due course for His Highness' consideration.

Yours sincerely,

9.4.18. RC
Dewan.

R.H.Campbell Esqr., C.I.E.

Strictly Confidential.

WD 9048—GPB—1,000—16-7-17

4

REPLY.

(To be written on this margin.)

Office of the Dewan of Mysore.

NOTE.

Dated.....9th April.....*1918*.

Demi-official letter No.279 dated 5th April 1918, from the Private Secretary to His Highness the Maharaja enclosing a communication from the First Assistant to the Hon'ble the Resident on the subject of Treaty Rights, &c., of the Ruling Princes and Chiefs.

Forwarded to the Chief Secretary for favour of preparing a draft reply in consultation, if necessary, with the other Secretaries to Government.

I shall be glad if the Chief Secretary will give close personal attention to the matter which should be treated as very confidential.

The draft reply may please be sent to me before the 20th instant.

9.4.18 Dc

The Chief Secretary
to Government.

C8S
10/4/18

WD 1233—GPB—60,000—1-12-16—S.

5

G. R. S. III-2

General and Revenue Secretariat. | File No. | of 191 .

Serial No.

Mr V.

Please work this up as per perma instns & bring up with a draft reply on the 17th.

CBK
10/4/18

NOTE—Contn. sheet.

Questions regarding which the permission of the Government of India is sought.

****

1. Questions relating to the raising of loans.
2. Supply of Arms to the Police Department.
3. Matters relating to Jurisdiction over Railway
4. Inauguaration of New Schemes such as the University and Iron Schemes.
5. Construction of Railway Lines in the Mysore State.
6. Construction of Tramways in the Mysore State.
7. Application to the lines worked up by the State of the Open Line General Rules of 1903 and amendments thereof.
8. Application of the General Rules for working railways under construction.
9. Use of Locomotive power on lines under construction.
10. Adoption of maxima and minima rates and fares for Railways worked by the State.
11. Designs of Rolling Stock for use on Railways.
12. Deviations from standard dimensions prescribed by the Government of India for observance on Railways.
13. Restrictions regarding the grant of mining leases.

14. Enhancement of the Civil List.

15. Payment of allowances or pension to members of the Royal Family and fixing the rates of such pension.

16. Whether the principle of a separate Civil list has been strictly followed i.e., whether charges properly debitable to the Palace are debited to General Administration.

GKV.2

In consultation with the various Secretariats, a list has been prepared of the subjects in which the sanction of the Government of India is at present sought. In some of these cases, their sanction appears unnecessary. The dispos files connected with these subjects have to be traced and carefully examined with a view to find out --

(1) whether as a matter of fact sanction is sought in every one of these cases;

(2) whether in cases in which sanction is sought it is done under the instructions of the Government of India or mistakenly;

(3) and whether in cases in which there are instructions of the Government of India, they are in consonance with the terms of the Treaty.

To trace and examine the files will take some time and the several -- secretaries to Government may have also to be consulted. It is therefore -- requested that the time allowed for the submission of a draft reply to the -- Residency may be extended till 15th May.

Chatterji 21/4/18

GKV.

Sub° to Dewan

No objection - I hope a very exhaustive draft will be put up. 23.4.18 RD

CBS 21/4/18 21/4/18

Mr V. for early action. I should be glad to see the draft by 10th May. CBS 23/4/18 21/4/18

ND 1233—GPB—60,000—1-12-16—S.

9

R. S. III-2]

General and Revenue Secretariat. | File No. of 191 .

Serial No.

A draft reply to the Resn is submitted

Dewan)

C&S 14/5/18

14/5/18

5990 & 2 books 14-5-18

NOTE—Contn. sheet.

Confidential

C No 68.
Encl one file

10

Camp Phalgam,(Kashmir)

16th August 1918.

My dear Sir,

I am directed to return the file that accompanied your D.O confidential No.5843 dated 23rd July 1918.

His Highness would like the Council to be consulted on the subject of the draft reply to the Residency,but I am to say that he approves of it generally.

His Highness wishes however a paragraph to be added on the subject of the Yelandur Jagherdar's recent Memorial to the Government of India. The paragraph may be worded as follows:

His Highness would like to draw the attention of the Govt of India in this connection to the method adopted in dealing with a Memorial submitted about a year ago by the Jaghirdar of Yelandur. The case was,from His Highness's point of view a peculiarly delicate and personal one as the Jaghirdar questioned his right to regulate the affairs of his Jaghir.

The Hon'ble the Resident insisted on an " official" report of the case being sent to him confidentially and though he was apparently satisfied that the Memorialist had no case he felt it his duty instead of withholding the Memorial to submit it to Supreme Government for orders, and the latter's decision was so worded as to shew that they had sat in judgment on the merits of the case.

I am to submit that the whole question was entirely one of " internal administration " the independence of which had been guaranteed by the Treaty of 1913 and though the decision of the Supreme Government was in His Highness's favour its wording was hardly consistent with the spirit if not the letter of the Treaty and was calculated to lower His Highness' s

PRIVATE SECRETARY MYSORE

authority in the eyes of the Jaghirdar and the public.

His Highness would be glad if you and the Council would consider whether a reference may be made to the question of the C & M Station Surplus. It seems doubtful whether this question is one of Treaty Rights.

There is evidently an omission in the last paragraph of the draft letter to the Residency which contains merely a quotation from the First Assistant Resident's letter. It should be pointed out in the draft in what way that letter conflicts with the provisions of the Treaty. I have made a marginal note on this point in the draft. His Highness desires that after approval of the Council a reply may be sent to the First Assistant Resident under the Chief Secretary's signature. This will save time as the matter is urgent.

Yours sincerely,

R H Campbell

Sir M.Visvesvaraya, K.C.I.E.,
Dewan of Mysore,
Bangalore.

Confidential
Encl on file (Consltg Resd Pol.)

Camp Phalgam,(Kashmir)

16th August 1918.

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The Hon'ble the Resident insisted on an official report of the case being sent to him confidentially and though he was apparently satisfied that the Memorialist had no case he felt it his duty instead of withholding the Memorial to submit it to Supreme Government for orders, and the latter's decision was so worded as to shew that they had sat in judgment on the merits of the case.

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13

PRIVATE SECRETARY MYSORE

authority in the eyes of the Jaghirdar and the public.

His Highness would be glad if you and the Council would consider whether a reference may be made to the question of (2) the C & M Station Surplus. It seems doubtful whether this question is one of Treaty Rights.

There is evidently an omission in the last paragraph of the draft letter to the Residency which contains merely a quotation from the First Assistant Resident's letter. It should be pointed out in the draft in what way that letter conflicts with the provisions of the Treaty. I have made a marginal note on this point in the draft. His Highness desires that after approval of the Council a reply may be sent to the First Assistant Resident under the Chief Secretary's signature. This will save time as the matter is urgent.

Yours sincerely,

Sir M.Visvesvaraya, K.C.I.E.,
Dewan of Mysore,
Bangalore.

True copy

Forwarded with compliments. The original of this letter is being forwarded with his Tele by registered post, and as it will take a long time to reach its destination, this copy is sent by ordinary post

Confidential.

W. D. 2725—GPB—2,000—5-5-18

14

REPLY.

(To be written on this margin.)

Office of the Dewan of Mysore.

NOTE.

Dated 28th August ..... 1918.

D.O. letter dated 16th August 1918 from the Private Secretary to His Highness the Maharaja in regard to instances of failure to fulfil pledges given by the British Government.

Forwarded to the Chief Secretary for favour of necessary action.

I shall be glad if the Chief Secretary will note on the first two suggestions made in Mr. Campbell's letter, viz., the inclusion of (1) the case relating to Yelandur Jaghirdars memorial and (2) the surplus revenues of the Assigned Tract.

The suggestion made in the last paragraph of Mr. Campbell's letter may be adopted.

RETURN REQUESTED BEFORE THE EVENING OF THE 31st INSTANT.

29.8.18

Chief Secretary.

I have incorporated Mr Campbell's suggestion in the last paragraph.

The Yelandur case may be included - I have added the paragraph suggested by Mr Campbell to the draft.

Re Surplus Revenues of Assigned Tract, I have consulted the Secy who has dealt with that case. He does not think that it can be quoted in this connection.

The draft is resubmitted for perusal if these may be circulated to members if approved.

CSM 29/8/18

Dewan

Please circulate & bring up at the next meeting of Council. The matter is somewhat urgent.

31.8.18

CS. Circulate at once 31/8/18

15

(For Disposal at the next Meeting)

No. C.937

3/10/ 1915

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

(Clause xx of the Schedule)

Draft reply to the Residency in regard to instances of failure to fulfil pledges given by the British Government.

RE-CIRCULATED TO THE MEMBERS OF COUNCIL.

as instructed in Council on 5-9-1918.

By Order,

C Balasundaram
Chief Secretary to Government.

31st August 1918.

Extraordinary Member of Council.

1050 3/9

First Member of Council. 3/9 7/9

Second Member of Council. 3.9. Time for lodging of this declaration has expired. Application is not before Council. Action on this may be deferred for 14 days.

Extra Member of Council. 8.9.18

WD 2670—GPB—11-5-17

31.8.18.

Opinion recorded

10.9.18 Note attached

10.9

604-276 31.8.18.

629-200 10.9.18.

Second Member's note on the draft reply to the Residency in regard to instances of failure to fulfil pledges given by the British Government.

Dated 10th Sept.1918.

I have no remarks to make on items 1 and 3 of the draft reply. As regards item 2, I would advise its omission in view of the fact that the communication quoted as an instance only calls for a full information as to the character and terms of the proposed agreement. Further, in my opinion already recorded in my minute dated 18th May 1917, the case appears to fall under the general instructions of the Government of India conveyed in their letters dated 7th Feb.1891 and 24th March 1899 on the subject of negotiations with foreign capitalists. In the Durbar's reply to the Residency communication, it was stated that clause 21 of the Mysore Treaty has re-placed paragraph 22 of the Instrument of Transfer and urged that the intervention contemplated in Article 21 of the Treaty is not of the same nature as that provided for in clause 22 of the Instrument of Transfer. I would invite attention to the reply of the Government of India to this representation. Please see paragraph 2 of the letter dated 9th October 1917 from the First Assistant Resident. They said - " On this point which concerns the interpretation of their own orders, the Government of India think it will be sufficient to inform the Durbar that in view of the magnitude of the scheme and the vital importance of concluding the arrangements with Tata Iron and Steel Co., on terms which would be advantageous to the State and would protect it from loss, the Government of India would have been glad if the Durbar had seen fit in their own interests, to refer the pro-

project to the Government of India at a stage when it could have received careful and deliberate consideration."

Article 21 of the Treaty clearly provides that the Governor General in Council reserves to himself the power of taking such precautionary or remedial action as circumstances may at any time appear to render necessary and as the whole question turns on the interpretation of this Article and as further in the concluding correspondence, the Government of India did not interpose any obstacle to the scheme being proceeded with forthwith, I would regard it as inadvisable to refer to this matter in the reply under consideration.

In conclusion, I would point out one aspect of the correspondence which might perhaps be referred to in the draft reply, namely - that a communication from the First Assistant to the Resident which is in official form was addressed to the Private Secretary. The subject matter of the correspondence was not of such a personal nature as to justify a departure from the customary form of address, viz., to the Chief Secretary to the Government of Mysore. The correspondence in fact, relates to constitutional and political questions and there was no special justification to address a letter to the Private Secretary with a request "to enquire from the Maharaja whether His Highness desires to bring to notice any case in which he considers there has been a failure to fulfil ~~the~~ pledges given by the British Government".

I may add that the reply would have been more effective if instead of referring to questions of general policy which have been applied to all Indian States without exception, specific cases of interference against the Treaty could have been quoted.

18

The Railway jurisdiction policy enunciated in 1891 has undergone subsequent modification and as cases in which jurisdiction has been ceded occurred before the Mysore Treaty of 1913, it is difficult to urge that there has been a failure ~~in regard~~ of pledge given so far as these cases are concerned. At present under the existing Treaty no such transfer of jurisdiction can be claimed and the Durbar have their own jurisdiction over the Mysore-Arsikere line which can be considered to be a line of continuous communication from Mysore to Poona. It is therefore a matter for consideration whether section 1 of the draft reply should not be modified; for, it quotes Article 14 of the Treaty of ~~1913~~ 1913 and the instructions of the Government of India to the Dewan of Mysore dated 2nd April 1891. If there are any cases of a date subsequent to the date of the Treaty, they may be specifically quoted.

The case relating to the memorial of the Jaghirdar of Yelandur seems to be the strongest instance of the kind of interference in view.

10-9-18

I generally agree with the view expressed above by the Legal Member. In regard to the specific instances under reference, it seems to me, that the Confidential records of the office of the Political Secretary to His Highness the Maharaja, if so Communicated, will be able to furnish some, which would go a long way, in my humble opinion, to strengthen our case. The suggestion in view of very past connection with the Political office.

11.9.18.

Regula

D (B)

19

Subject.-

Draft reply to the Residency in regard to instances of failure to fulfil pledges given by the British Government.

Opinion of the Council.

5/9/18.

3/9/18.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Typed draft is put up

Chatterjee) VJ 20/9/16

Revised draft submitted

Dewan)

20/9/16

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

W.D. 84—GPB—60,000—20-7-16

Bangalore,

23rd September 1918.

Dear Mr.Thumboo Chetty,

I send herewith a file relating to the infringement of Treaty Rights, addressed to Mr.Campbell. The Dewan will be obliged if you will kindly have it delivered to Mr.Campbell on his return to Mysore. His Highness has directed that the draft in the case should be submitted to him before issue.

Yours sincerely,

Sd/- S. Hiriyannaiya.

"Copy"

N°6010 - Cur I file

Bangalore 23/24.9.18.

R.H. Campbell Esqr., C.I.E.

Confidential.

My dear sir,

With reference to your demi-official letter No.68 of the 16th August 1918 on the subject of the reply to the Residency letter regarding the non-fulfilment of pledges given by the British Government, I enclose herewith, for favour of submission to His Highness, a modified draft embodying the suggestions made in your letter under reference. The subject was discussed in Council and the Members are agreeable to the adoption of the proposed draft.

I would, however, suggest the omission of the words marked in pencil on page 5 of the draft as there does not seem to be sufficient authority for the statement that the Hon'ble the Resident "was apparently satisfied that the memorialist (Jaghirdar of Yelandur) had no case". (Vide Mr. Cobb's letter dated ~~7th June 1917~~ 28th Nov 1916). Further, it is unnecessary for our present purpose to say anything about the Hon'ble the Resident's own views on the question.

The ~~Extra~~ Member of Council — particularly Mr. P. Raghavendra Rao — has suggested that if the confidential records of the Palace are examined, some more instances of violation of pledges might be forthcoming. I have no doubt you will take suitable action ~~as suggested~~ on the suggestion.

Yours sincerely,

23.9.18

Dewan

Urgent & Confidential

C.937

PRIVATE SECRETARY MYSORE

The Palace,

Mysore.

5th October 1918.

My dear Sir,

I am directed to forward a revised draft of the reply to the Residency on the subject of Treaty rights and to request that it may kindly be forwarded to the Residency as soon as possible, as I have received a reminder from the First Assistant Resident.

Yours sincerely,

Sir M. Visvesvaraya, K.C.I.E.,

Dewan of Mysore,

Mysore.

G. R. S. III-2]

General and Revenue Secretariat.

G. M File No. 679 of 1917.

Serial No.	
2	To the F. A. Resident - No. G 33 & 9. 10. 1918. With refce to Sl. 1 above, bring to notice one or two matters in which the Govt of India have issued instructions, ~~without~~ which do not seem quite in consonance with the provisions of the Mysore Treaty,

B

will be so good as kindly to enquire from the Maharaja whether

...ighness desires ... ...ptice any case in which he con-
... ... fulfil pledges given by the
...n that, at the present stage, ...
...briefest possible statement of ...
...y, since it is the intention of ...
...ther full opportunity for ...sired. It is obvious --- as ...
...proceeds --- that no useful pur-
...ancient history and disinteres...
...ion. It is hoped, therefore, ...
...vance any representations that ...
...which constitute a grievance of ...
...sent moment.

...uest, at the instance of the ...
...permission of His Highness the ...
...your very early convenience.

...ve the honour to be,

Sir,

...most obedient servant

...Major

...ot Assistant Resident

Enclosure no (1) to Lr letter no: 1

27

(Confidential.)

Digest of the proceedings of the informal meeting held in the Council room at Viceregal Lodge on the 4th and 5th February 1918.

PRESENT:

1. His Excellency the Viceroy—Presiding.
2. The Right Hon'ble Mr. Edwin Montagu, His Majesty's Secretary of State for India.
3. His Highness the Maharaja of Alwar.
4. Her Highness the Begum of Bhopal.
5. His Highness the Maharaja of Bikaner.
6. His Highness the Maharao of Cutch.
7. His Highness the Maharaja of Gwalior.
8. His Highness the Maharaja of Jaipur.
9. His Highness the Maharaja of Jodhpur.
10. His Highness the Maharaja Jam Sahib of Navanagar.
11. His Highness the Maharaja of Kolhapur.
12. His Highness the Maharaja of Patiala.
13. The Hon'ble Sir John Wood, K.C.I.E., C.S.I.
14. Mr. W. S. Marris, C.I.E.
15. Mr. R. E. Holland, C.I.E.

5

DRAFT SCHEME PREPARED BY THE RULING PRINCES.

I.—Treaty Rights, Dignity and Honour, Privileges and Prerogatives of the Ruling Princes and Chiefs of India.

The Treaty Rights, position as Sovereign Princes and Allies, and the dignity and honour and privileges and prerogatives of the Ruling Princes shall be maintained intact and strictly safeguarded.

II.—Chamber of Ruling Princes.

Hitherto the Princes have had no voice in the counsels of the Government of India commensurate with the importance and magnitude of the interests which they represent. No satisfactory arrangements exist, at present, whereby the wants and disabilities as well as the claims of the Ruling Princes and the Indian States can be collectively brought to the notice of the Government of India. Nor is there any machinery, apart from the present channel of political officers, to enable the Government of India to come into more direct touch with the Ruling Princes, to elicit correct information regarding the special conditions of their States, to ascertain their joint views on large questions of policy and administration, to obtain their co-operation in the discussion and control of matters affecting them in common with British India, or to avail themselves of their assistance in the guardianship of common and Imperial interests. To meet these wants and in view of the approaching political reconstruction in India, it is deemed necessary that a permanent organisation should be brought into existence and other suitable machinery created to promote the closer association needed between the States and the Government of India, to safeguard the rights and privileges of the Ruling Princes, and to ensure to the States their future continued progress and development.

(1) *Designation.*—An organisation to be named "The Chamber of Ruling Princes" should be brought into existence for deliberative, consultative and advisory purposes.

(2) *Composition.*—The Chamber shall be composed of :—

(*a*) The Ruling Princes of India exercising full sovereign powers, *i.e.*, unrestricted civil and criminal jurisdiction over their subjects and the power to make their own laws.

(*b*) All other Princes enjoying hereditary salutes of 11 guns and over; provided that no State or Estate having feudatory relations with any Sovereign State shall be eligible for membership of the Chamber.

It shall be within the competence of the Chamber to add to its number, the Rulers of other States whose inclusion the Chamber may deem advisable.

(3) *Recognition of the Chamber by the Crown.*—The establishment of the Chamber as a permanent body should be recognised by means of a message from the Crown to the Ruling Princes of India.

(4) *Powers and functions.*—The Chamber shall have the following powers and functions :—

(*i*) to initiate for the consideration of His Excellency the Viceroy proposals and recommendations relating to the preservation and maintenance of the treaties, rights and interests, dignity and powers, privileges and prerogatives of the Princes, their States and the members of their families;

(*ii*) to discuss matters of Imperial or common concern, and offer advice on subjects referred to it for consideration by the Government of India;

(*iii*) to appoint its representatives to a Joint Committee of Reference hereinafter described in section VIII of the Scheme;

(*iv*) to appoint Committees of experts to advise the Chamber on technical or other intricate questions;

(*v*) to select names for the panel of representatives to serve on the Advisory Board of the Government of India in the Political Department; and

(*vi*) to recommend a Ruling Prince to represent the Indian States on the Imperial Cabinet and the Imperial Conferences whenever convened for the discussion of questions affecting the interests of the British Empire.

(5) *President.*—His Excellency the Viceroy, as the representative of the British Crown, will be the President of the Chamber. In the absence of the Viceroy, one of the Ruling Princes will preside.

(6) *Secretary.*—There shall be a paid whole-time Secretary of the Chamber, who will carry on the duties of his office under the direction of one of the Ruling Princes selected for the purpose by the Chamber, who will be given the special designation of Chancellor.

(7) *Meetings.*—The Chamber shall meet at least once a year and oftener when necessary. It shall have its permanent office at Delhi, where the Chamber will have a building of its own.

(8) *Funds.*—Expenses required for the Secretary and his office as well as for the Advisory Board will be defrayed by contributions from members of the Chamber.

(9) *Rules of Business.*—The business of the Chamber shall be transacted according to rules and bye-laws framed by the Chamber for the purpose.

III.—Advisory Board.

An Advisory Board shall be appointed consisting of four members, to be selected by the Government of India from a panel of five to seven nominees of the Chamber of Ruling Princes, to advise the Government of India in the Political Department on matters concerning the Princes and the States, jointly and individually, and to make available to the Government of India necessary and useful information regarding the special customs and usages prevailing in the States for consideration in the disposal of important cases.

The Board shall also be competent to initiate questions affecting Indian States, either of their own accord or on the suggestion of the Chamber of Ruling Princes for the consideration of the Political Department of the Government of India.

The Board shall be a permanent institution, the members of which will hold office for a specified term. It shall meet as often as necessary for the transaction of business.

The cost of maintaining the Board will be met by the Chamber of Ruling Princes.

IV.—Judicial Tribunals.

Whenever there is a dispute of a Civil or Political nature or a dispute involving technical questions, or questions of jurisdiction or delimitation of boundary, or claims or counter-claims in respect of revenue or dues or compensation of other matters of a like nature, between any Ruling Prince or Chief on the one hand, and the Government of India or any other Ruling Prince or Chief on the other, either party to the said dispute shall be entitled to have the said dispute determined judicially by a tribunal of 3 members consisting of :—

(*a*) a Judicial officer, not lower in rank than a Judge of any of the Chartered High Courts of Judicature in British India; and

(*b*) one nominee each of either party to the dispute.

Each party to the dispute shall be entitled to represent his case before the said Tribunal.

The decisions of the said Tribunal shall be final and binding on the parties concerned.

It shall not be open to an Estate having any feudatory relations with any suzerain State to avail itself of the machinery of the aforesaid Tribunal.

V.—Commissions of Enquiry.

No Ruling Prince or Chief shall be deprived, temporarily or permanently, of any of the rights, dignity, honour, powers and privileges to which he is entitled as such Ruling Prince or Chief, nor shall the heir-apparent or any other member of the family of a Ruling Prince or Chief, legally entitled to succeed as the heir, be deprived of his right of succession unless the alleged grounds justifying such deprival are first investigated by a Commission of Enquiry to be appointed by the Government of India, the personnel of which shall be as follows:—

(*a*) Two Ruling Princes, and

(*b*) One Judicial officer not lower in rank than a Judge of any of His Majesty's High Courts of Judicature in British India.

Every Ruling Prince or Chief or heir-apparent or any other member aforesaid so concerned shall have the right to challenge the nomination of any of the Princes to the Commission, but such right shall not be exerciseable more than twice in any particular case.

The proceedings of such a Commission shall be always conducted in camera, but if the Ruling Prince or Chief or the heir-apparent or other member aforesaid concerned demands it, the enquiry shall be public.

VI.—Direct Political Relations with the Government of India.

In order to remove unnecessary delays, difficulties, and the possibility of misunderstandings caused by the intervention of several intermediary agencies, and in order to ensure uniformity of policy in the dealings of the Government of India with the Indian States, and to bring the latter into closer touch with His Excellency the Viceroy, all important States should, in future, be placed in direct political relations with the Government of India, either individually or by suitable grouping, and through only one intermediary.

VII.—Representation on the Imperial Cabinet and the Imperial Conferences.

The recent announcement by the Prime Minister of England suggests the selection of one representative from India to sit on the Imperial Cabinet and the Imperial Conferences of the Empire.

The Indian States with their large area and a substantial proportion of the population of the country under their control represent a distinctly separate unit, and in view of their position as partners in the Empire and allies of the British Crown, it is deemed right and proper that the Princes should have a separate representative in addition to the one from British India.

VIII.—Committee of reference for matters of Joint Interest.

In view of the long felt need that the Indian States should have an adequate voice in matters affecting them either in their individual relations with British India or in matters which affect them jointly with British India, a Joint

Committee shall be constituted composed of representatives nominated by the Chamber of Ruling Princes and an equal number of delegates selected by the Government of India from the legislature concerned. To this Committee shall be referred for expression of opinion all questions coming before any legislature, Imperial or Provincial, the determination of which may affect the interests of all or any of the States in India. The reference in each case shall be answered and the report of the Committee duly considered before a final decision is taken by the legislature concerned.

Conclusion.

The scheme outlined above has a threefold object, *viz.* :—

(1) to safeguard the Treaty Rights, *Izzat*, dignity and privileges of the Princes and their States;

(2) to associate suitable agencies and machinery to enable the Government of India to deal equitably and expeditiously with questions concerning Indian States; and

(3) to provide an agency or medium for giving the Princes and the States a voice in matters of All-India interest or of common concern.

The scheme in general outline meets in some measure the needs of the present situation, but the details might require modification by the Ruling Princes in accordance with future developments.

It is important that the scheme, as ultimately adopted, should be sufficiently elastic to admit of improvement and change from time to time according to the growing needs and wishes of the States.

Digest of proceedings of the Informal Meeting held in the Council Room at Viceregal Lodge on the 4th and 5th February 1918.

His Excellency the Viceroy said, at the outset, that the Conference was not intended to arrive at any final and binding decisions. It was proposed to consider and perhaps to revise the proposals, which had been put forward, and to discuss new suggestions frankly and freely.

DRAFT SCHEME PREPARED BY THE RULING PRINCES.

Each clause of the Draft Scheme was then discussed separately.

I.—Treaty Rights, Dignity and Honours, Privileges and Prerogatives of the Ruling Princes and Chiefs of India.

His Excellency stated that it was the intention of the Government of India to maintain intact and safeguard strictly the Treaty rights and prerogatives of the Ruling Princes. In reply to an enquiry as to whether any specific cases could be mentioned of disregard of Treaty rights, His Highness the Maharaja of Bikaner stated that, in the past, there had been such instances and that, although no specific instances could be mentioned at the moment, the Ruling Princes were apprehensive as to what might happen in the future. They wished to make sure that the fulfilment of the Treaties should not depend on the personal goodwill of high officers. Some States also contended that full Treaty rights were not conceded, because individual Ruling Chiefs were not permitted to exercise the powers which belonged to them by right of Treaty.

His Excellency the Viceroy stated that postponement of further discussion of the point might enable some concrete instances of disregard of Treaty rights to be brought to notice before the next Conference. It did not, of course, follow that any such instances brought to notice would be admitted by the Government of India to have involved a breach of faith, but they would be carefully and sympathetically scrutinised.

II—Chamber of Ruling Princes.

His Excellency the Viceroy pointed out that, with reference to the second sentence of this clause, the establishment of the Conference on a permanent footing would provide full opportunity for voicing grievances.

II (*1*)—*Designation.*

His Highness the Maharaja of Alwar pointed out that as the body of Princes was to be deliberative, consultative and advisory, the word "Assembly" or "Council" would not be a suitable designation for it. The definition of the word "Council" given in the dictionaries showed, in his opinion, that it was not appropriate since it implied that the body would be convened by some other authority. The word "Assembly" had other connotations; the word "Chamber" implied a legislative body, being part of a constitutional organisation; and the word "Congress" had unhealthy associations. He, therefore, suggested that the title should be "Assemblage". His Excellency the Viceroy stated that he did not attach great importance to the question of the name, but he would point out that the word "Council" had always been used when the project was discussed in the past. He felt that the title "Council" had much to recommend it, speaking off hand, and it had the advantage of marking the fact that the assembly would be different from a Conference and would be of a more permanent nature.

II (2)—Composition.

After some discussion His Excellency stated that he would ask the Political Secretary to take up and examine very carefully the question as to what Ruling Princes and Chiefs should be regarded as comprised under the heading

(*c*), that is, exercising unrestricted civil and criminal jurisdiction and the power to make their own laws. His Excellency added that the decision as to additions to the membership of the Chamber must rest in the hands of the Viceroy acting on suggestions from the Chamber.

II (*3*)—*Recognition of the Chamber by the Crown.*

His Excellency stated that the Ruling Princes were aware of the deep interest taken by His Majesty in anything affecting their welfare, and it would be for His Majesty to decide the manner in which the establishment of the Chamber as a permanent body should be recognised. In reply to a suggestion that it might be possible to arrange for the actual creation of the assembly to be sanctioned by a statute, His Highness the Maharaja of Bikaner stated that, if this suggestion bore fruit, two points would have to be carefully borne in mind, namely, (1) that the membership of the Council should not be compulsory, and (2) that the greatest care should be exercised in choosing phraseology for the statute.

II (*4*)—*Powers and functions.*

II—(*4*) (*i*).

His Highness the Maharaja of Bikaner explained that it was proposed in this clause that recommendations should be initiated for the consideration of the Viceroy in order to mark the fact that the Ruling Princes value very highly their right of access to His Excellency.

II (*4*) (*ii*).

His Excellency the Viceroy stated that it would be preferable to substitute the words "the Viceroy" for the words "the Government of India" in this clause, since a reference to the Government of India involved going to the Council.

(*4*) (*iii*).

This point was reserved for discussion under clause VIII.

II (*4*) (*iv*).

His Excellency drew attention to the fact that, on the occasion of the recent Conference, he had asked the Ruling Princes to consult with agricultural and other experts in regard to matters coming before them.

II (*4*) (*v*).

This point was reserved for discussion under clause III.

II (*4*) (*vi*).

His Excellency the Viceroy reminded Their Highnesses that, under present arrangements, there was to be only one representative on the Imperial Cabinet and the Imperial Conference, for the whole of India. His Excellency held that, if a Ruling Prince could be nominated to represent the Indian States, Their Highnesses' recommendation in regard to the nomination should be made to the Viceroy, who would take action upon it. His Highness the Maharaja of Bikaner laid stress on the fact that British India and the Indian States were two distinct units of the British Empire, and that they had a strong claim to separate representation.

II (*5*)—*President.*

His Excellency stated that the question as to the Presidency of the Chamber in the absence of the Viceroy would require further discussion. Nomination would probably be best, but the matter should be left over for consideration at the next Conference.

II (6)—Secretary.

His Highness the Maharaja of Bikaner stated that the term "Chancellor" had been chosen as a special designation for the Ruling Prince under whose direction the Secretary would carry on his duties. A suggestion was made that the title "Executive Councillor" might perhaps be suitable.

II (7)—Meetings.

His Excellency the Viceroy stated that it would be advisable to substitute for the words "when necessary" the words "when summoned by the Viceroy."

II (8)—Funds.

His Excellency the Viceroy remarked that the question of the provision of funds seemed to be one that concerned Their Highnesses privately.

II (9)—Rules of Business.

His Excellency the Viceroy stated that the intention no doubt was that the Rules of Business would be subject to the Viceroy's approval. This was agreed to.

III.—Advisory Board.

His Excellency the Viceroy stated that he would welcome the creation of a Standing Committee from which the Government of India could obtain assistance and advice in regard to matters of usage and custom, but the method of consultation with the Committee must be left to the Viceroy's discretion, since some Ruling Princes might prefer that the Viceroy should not ask the Board to advise him in matters relating to an individual Ruling Prince or State. The advice of the body would be valuable in deciding as to special customs and usages prevailing in the States, and their advice on other matters, also, concerning the Princes would not be barred, if the Conference desired this and if other Princes did not object. It would seem probable that each Conference would select a Committee, if it were decided to have it, and that the Committee's term of life should be one year. His Excellency held that it would be premature at the moment to discuss the proposals made in the second and third paragraphs of this clause.

IV and V.—Judicial Tribunals and Commissions of Enquiry.

The Hon'ble Sir John Wood stated that the Political Department did not really possess the qualified staff to enable it to dispose satisfactorily of such questions as those referred to in the clause, and that the Government of India would value the help of some intermediary body. On the other hand, it was doubtful whether the proposal, as made, would command general approval, and it would be difficult for the Government of India to accept as binding the decision of the tribunal proposed, since the settlement of such disputes was a function of sovereignty. Government would, however, gladly accept the suggestion that preliminary enquiry should be held by judicial officers with a view to help the Government of India to come to a right decision.

As the result of discussion His Excellency the Viceroy asked Sir John Wood to prepare a note formulating suggestions in regard to Commissions of Enquiry under clauses IV and V. On the following day Sir John Wood submitted to the meeting a draft of a new clause to take the place of clauses IV and V. The draft ran as follows:—

"Whenever (*a*) a dispute arises between one Indian State and another, or (*b*) any State is dissatisfied with the ruling or advice of the Government of India or any of its local representatives, and it appears that for the proper determination of the case, independent advice is necessary or desirable, His Excellency the Viceroy will, at his discretion, appoint

a Commission to enquire into the case. The composition of the Commission will be determined in each case by the Viceroy, but it should ordinarily include :—

(*a*) a Judicial officer not lower in rank than a Judge of any of the Chartered High Courts of Judicature in British India ;

(*b*) one nominee each of the parties concerned.

Each party shall be entitled to represent its case to the Commission by counsel or otherwise. Where the Government of India disagree with the findings of the Commission, the matter shall be referred to His Majesty's Secretary of State for India for decision.

A similar Commission shall invariably be appointed to investigate any case where a question arises of depriving any Ruler of an important State, temporarily or permanently of any of the rights, dignities, powers or privileges to which he is entitled as such Ruler or of debarring from the succession the heir-apparent, or any other member of the family of such Ruler who is entitled to succeed according to the law and customs of his race."

After further discussion it was decided that the first sentence of the clause should be worded as follows :—

(*a*) " Whenever a dispute arises between the Government of India or a local Government and any Indian State, or between one Indian State and another, or (*b*) where any State is dissatisfied with the ruling or advice, etc., * * * * "

And the following addition was also made at the end of the draft clause.

" The composition of the Commission in such cases would similarly be determined by the Viceroy, but it should include (*a*) a High Court Judge, (*b*) four persons of high status of whom two should be Ruling Princes With a view to selecting a Commission which shall command confidence, the Viceroy shall communicate the names suggested to the party concerned and invite observations. The proceedings in these cases shall be made public, if the Ruling Prince or the other party concerned so desires."

VI.—Direct Political relations with the Government of India.

His Highness the Maharaja of Bikaner explained that although the States in Central India and Rajputana were in direct relations with the Government of India, yet they had the same intermediary stages, that is to say two, between them and the Government of India, as the Ruler of a State in Kathiawar corresponding through the Government of India and the Bombay Government. The Rajputana and Central India States desired to have only one officer intermediate between them and the Government of India, just as in the case of the larger States such as Hyderabad and Mysore.

His Highness the Maharaja of Navanagar stated that the desire of the Kathiawar Chief was to be under the Government of India. Although they had only one channel of communication, namely, the Agent to the Governor, yet owing to their direct relations with the local Government, they failed to get full advantage of principles formulated and promulgated for the benefit of Chiefs under the Government of India.

His Highness the Maharaja of Alwar stated that a Political Officer accredited to a group of States was necessarily liable to influences surrounding him in the State in which he resided, and he might therefore unconsciously favour the interests of that State as against another within his Agency.

His Highness the Maharaja of Kolhapur added that when a Resident was located in a State, there was always a possibility of intrigue and friction since the Chief was not regarded as the most important person in the State by his subjects.

The Hon'ble Sir John Wood stated that all would agree that there must be some intermediary between the Darbar and the Government of India, and, if possible, only one. The alternatives would be either (1) that States should be in direct relations with the Agent to the Governor-General, or, (2) that the Political Agent should correspond direct with the Government of India. In the former case the Agent to the Governor-General would need special help. He would want a staff to send round to States, when necessary, and to help him in the disposal of routine business. Such a staff might approximate in numbers to the Political Agents at present at his disposal. On the other hand, if the Political Officers accredited to groups of States dealt direct with the Government of India, they would not be in such a commanding position to advocate the interests of the States.

His Excellency the Viceroy then asked Their Highnesses to give him their views individually on this point, that is to say, whether they were in favour of an Agent to the Governor-General alone or a Resident as Political Officer without an Agent to the Governor-General.

Her Highness the Begum of Bhopal expressed her desire to consider the matter further before expressing an opinion.

His Highness the Maharaja of Gwalior intimated that he preferred a Resident without an Agent to the Governor-General.

His Highness the Maharao of Cutch stated that if the post of Political Agent in Cutch were abolished, and if the political relations of the Cutch State were carried on through an Agent to the Governor-General in Kathiawar, he would readily agree to the new arrangement.

His Highness the Maharaja of Alwar intimated that he would like either Political Officers in charge of groups of States resident in each group or else an Agent to the Governor-General without the resident Political Officer.

His Highness the Maharaja of Kolhapur stated that he would prefer an Agent to the Governor-General residing in some neutral place, such as, for instance, Belgaum or Poona.

His Highness the Maharaja of Jaipur preferred that the Resident should be abolished and the Agent to the Governor-General retained.

His Highness the Maharaja of Bikaner was of the same opinion.

His Highness the Maharaja of Patiala suggested that, if the Punjab States came under the Government of India, there should be an Agent to the Governor General dealing with all the States, including the small Hill States.

His Highness the Maharaja of Jodhpur stated that he would prefer an Agent to the Governor-General without a resident Political Officer.

His Highness the Maharaja of Navanagar stated that he would prefer existing arrangements, but under the Government of India instead of under the Government of Bombay.

VII.—Representation on the Imperial Cabinet and the Imperial Conferences.

His Excellency the Viceroy referred to what he had previously stated in regard to clause II (4) (*vi*) namely, that the Government of India had been informed by His Majesty's Government that there would be only one representative of India on the Imperial Cabinet and Imperial Conference.

VIII.—Committee of Reference for matters of Joint Interest.

His Highness the Maharaja of Bikaner explained that the Scheme put forward was only an outline and that it must necessarily be elastic. The Ruling Princes were not in a position to make definite suggestions, but they did not want to be mixed up with legislative or other bodies in British India, since the outcome of that might be mutual interference in one another's affairs. The main point was that facilities should be given for consultation in some form or other.

His Excellency the Viceroy stated that he understood Their Highnesses to desire that in any future form of constitution that might be devised for British India they should be brought into relations with British India in cases where the States might be concerned. If a recommendation could be made that there should be some means of consultation, either between Their Highnesses and high dignitaries of British India or between Their Highnesses and a second Chamber, if such a Chamber was eventually constituted, or with the legislative bodies, this would be what was required.

His Highness the Maharaja of Bikaner stated that this would meet the wishes of the Princes, provided that an opportunity would be given for other Princes not present to express their views on the point.

His Excellency the Viceroy stated that as the Scheme formulated by Their Highnesses had now been examined in detail, he would suggest that on receipt

of the Minutes of the proceedings the Princes should draft, in consultation with Sir John Wood, a new report for their sub-committee.

The Hon'ble Sir John Wood suggested that he might draft, on the Proceedings, Agenda as a basis for discussion at the next Conference. This proposal was agreed to.

His Excellency the Viceroy stated that it was to be hoped that the Constitutional Report, under preparation by himself and His Majesty's Secretary of State, would come before His Majesty's Government this year for consideration. The Report would make mention of the views and suggestions put forward by Their Highnesses, but His Excellency desired to assure the Darbars that nothing would be finally settled until all the Ruling Princes and Chiefs had had full opportunity for expressing their views.

His Excellency the Viceroy then enquired whether there were any other matters which Their Highnesses would like to bring forward.

His Highness the Maharaja of Bikaner stated that there were certain subsidiary questions which, though small in themselves, were important as regards the personal dignity and convenience of the Ruling Princes and Chiefs.

Arms Act Regulations.

His Highness mentioned specifically troubles in connection with the Arms Act. His Excellency the Viceroy intimated that the discussion, now in progress in the Government of India in regard to the Arms Act, would in all probability be sufficiently advanced before the next Conference to enable Their Highnesses' views to be invited. In the meantime His Excellency would ask the Political Secretary for a note on the subject.

Extradition of deserters from the local military forces of the States.

His Highness the Maharaja of Gwalior stated that the Schedule to the Extradition Act required revision so as to make desertion from the State forces an extraditable offence.

Acquisition of property in British India by Ruling Princes and Chiefs.

His Highness the Maharaja of Alwar referred to difficulties encountered by a Ruling Prince if he wished to purchase a small piece of land in British India for building a house.

His Highness the Maharaja of Bikaner stated that hardship was caused by the fact that a member of a Ruling family was not allowed to retain zemindari property in British India which might devolve by inheritance upon him.

His Highness also mentioned the following points:—

Position of the sons of Ruling Princes and Chiefs at Durbars.

(1) The need for special arrangements for defining and improving the position of the sons of Ruling Princes and Chiefs, *vis-à-vis* British officials, especially on the occasion of special gatherings, but also in regard to Durbars.

Confidential reports on Ruling Princes and Chiefs.

(2) The dangers inherent in the system of submission of confidential reports by Political Officers in regard to Ruling Princes.

Ceremonial.

(3) The importance of avoiding changes detrimental to the Ruler in matters connected with ceremonial and the necessity for careful scrutiny of phraseology used in ceremonial programmes.

Introduction of Imperial Posts, Telegraphs and Imperial Currency into the States.

(4) Complaints in connection with the introduction of the Imperial Posts and Telegraphs and Imperial Currency into Native States.

Importation of machinery.

(5) The desirability of permitting States to receive assistance and advice, especially in regard to procuring machinery, after the issue of the Report of the Industrial Commission.

Delay in disposal of references affecting the States.

(6) The desirability of avoiding delay in the disposal of cases affecting the interests of States in Departments of the Government of India other than the Foreign and Political Department.

Raising of the status of the Political Secretary.

(7) The desirability of giving the Political Secretary some additional status so as to bring him nearer the level of the Members of the Executive Council.

His Highness the Maharaja of Gwalior referred—

Mining and prospecting licenses.

(*a*) to vexatious restrictions on the powers of a State to grant mining and prospecting licenses;

Execution of decrees of States Courts in British India.

(*b*) to the fact that decrees of Gwalior Courts are not executed in British Courts, though British Indian decrees are executed in Gwalior Courts, and

(c) to the fact that it is regarded as a grievance that Darbars should have to apply for sanction to the construction of railways in their own States. Constructions of Railways in the States.

His Highness the Maharaja of Navanagar mentioned that preference was given to States beyond the borders of India in the matter of the salt trade. In his own State large quantities were destroyed every year. Manufacture of salt in the States.

His Highness the Maharao of Cutch said that he could supply natural salt from his State in any quantity.

His Excellency the Viceroy stated that the matter would be looked into, but that questions of manufacture, cost and freight, had to be taken into consideration.

His Highness the Maharaja of Alwar stated that it was anomalous that only those Princes having permanent salutes of 19 guns should have exemption from customs duties. Their Highnesses the Maharajas of Bikaner and Patiala also spoke on this point. His Excellency the Viceroy stated that a very difficult problem was involved but that the matter would be looked into. Exemption of Ruling Princes from payment of customs duty.

His Highness the Maharaja of Kolhapur mentioned that during the frequent minorities in his State many abuses had crept in. He referred to the abolition of the State post and coinage, involving great loss of revenue.

His Highness the Maharaja of Jaipur stated that when railway projects were under consideration affecting a State's territory, the Darbar's views should be given full consideration, and the Darbar should be given the option of providing capital to the extent to which they might be interested and of sharing in the undertaking. No line should be made through a State without the Darbar's concurrence.

His Highness the Maharaja of Navanagar referred to the difficulties experienced in obtaining new weapons from Government for the armament of State forces when required. Arms for local military forces of the States.

His Highness the Maharaja of Bikaner animadverted on the policy sometimes followed by Political Officers of backing a Minister against the Ruler of a State. Ministers of the States.

Finally, His Highness the Maharaja of Bikaner asked that there should be consistency in the use of the terms "Princes" and "Chiefs." Use of the terms "Princes" and "Chiefs."

His Excellency the Viceroy, in bringing the proceedings to a close, expressed his gratitude to Their Highnesses for coming to Delhi. He stated that the meeting had been of great advantage to himself and he hoped that Their Highnesses had also benefited. Careful notes of the proceedings had been recorded, and in regard to some matters real progress towards a settlement had been made. His Excellency laid stress in particular on one satisfactory result of the meeting. When the outline Scheme first came to His Excellency's notice, it seemed to him that in drafting it there had been some omission to recognise the undoubted position of the Government of India *vis-á-vis* the Ruling Princes. This had however, all been cleared up during the course of the discussions. His Excellency pointed out that the Government of India, as the Government of His Majesty the King-Emperor, was paramount, and that its rights and *izzat* must be upheld no less than the rights and dignities of the Ruling Princes and Chiefs. It was His Excellency's duty as Viceroy to impress this on Their Highnesses just as it was Their Highnesses' object to impress the Government of India with their own point of view.

His Highness the Maharaja of Bikaner at the desire of his brother Princes and on his own behalf respectfully moved a vote of thanks to His Excellency for the courtesy and patience with which he had listened to Their Highnesses, and for affording them an opportunity for frank discussion. His Highness expressed the profound loyalty and devotion of the Princes of India to the Person and Throne of the King-Emperor and stated that the disabilities, which had been brought to notice, were in part a legacy from past policy which had since been rectified. What remained would no doubt be set right under the guidance of His Excellency the Viceroy and the Secretary of State.

S.G.P.I., Delhi—No. 815 F. D.—20-3-18—200.

To

The First Assistant to the Hon'ble
the Resident in Mysore.

S i r,

With reference to your letter No.65-C/252, dated the 27th March 1918, enquiring at the instance of the Government of India whether His Highness the Maharaja desires to bring to notice any cases in which His Highness considers there has been a failure to fulfil pledges given by the British Government, I am directed by His Highness the Maharaja to state that the following are some of the cases in which the Government of India have issued instructions which are not quite in consonance with the provisions of the Instrument of Transfer or the Mysore Treaty of 1913 which superseded it:-

(1) MATTERS RELATING TO JURISDICTION OVER RAILWAYS.

Under article 1 of the Treaty which corresponds to article 2 of the Instrument of Transfer, His Highness the Maharaja is entitled to exercise jurisdiction over the territories of Mysore subject to the condition prescribed therein and there is nothing in the said Treaty precluding the exercise of such jurisdiction over a line of Railway in the State constructed and worked by the Durbar whether it is an

an isolated line or forms part of a line of continuous communication.

Article 14 of the Treaty refers only to the grant of land by His Highness the Maharaja to the British Government when they desire to construct a Railway and to transfer jurisdiction within such land, but not to the transfer of jurisdiction over the Railways constructed and worked by the State. Nevertheless in paragraph 1 of the Hon'ble the Resident's letter No.1012/4798, dated the 2nd April 1891 to the Dewan of Mysore on the above subject it is(expressly) stated as follows:-

" ..... the subject has been carefully considered by the Government of India and it has, I regret to have to inform you, felt itself compelled to come to a decision adverse to the wishes of the Durbar. It has been finally resolved that it is absolutely necessary as a question of Imperial policy that the Government of India should exercise control over any Railway in a Native State which forms part of a line of continuous communication and in order to exercise that control must have jurisdiction over it ....."

(2) INAUGURATION OF NEW SCHEMES SUCH AS THE IRON SCHEME.

In the above connection the First Assistant to the Hon'ble the Resident has, in his letter No.3732 dated the 11th May 1917 to the Secretary to the Government of Mysore, General Department

stated as follows:-

"I am directed to inform you that the Hon'ble the Resident understands that with a view to the exploitation of their iron deposits in Shimoga, the Durbar contemplates entering into an agreement with the Firm known as the 'Tata Iron & Steel Co.'

" Under instructions received from the Government of India, Mr. Cobb requests that, before concluding any such arrangement, the Durbar will be good enough to supply him with full information as to its character and terms together with two copies of the proposed agreement or agreements, should they have already been drafted.

" The Durbar, I am to add, no doubt realises fully that the policy of the Government of India in all such cases is dictated solely with the object of safeguarding and protecting, whenever this appears to be advisable, the interests of the State Concerned."

The intervention contemplated in the above communication does not appear to be of the natur provided for in article 21 of the Treaty.

(3) CONSTRUCTION OF RAILWAY LINES AND TRAMWAYS IN THE STATE.

Though the (Mysore Treaty does) not provide that the sanction of the Government of India shall be obtained for the construction of Railways or Tramways in the State, the following instructions (have been) conveyed to the State in paragraph 2 of letter No.1649 dated the 17th March 1908 from the First Assistant to the

43

the Hon'ble the Resident:-

"I am at the same time to point out that, as the policy of the Government of India in regard to the construction of Tramways and Railways is governed by the same principles, the previous sanction of the Government of India should be obtained to the construction of Tramways in the Mysore State."

(4) DESIGNS OF ROLLING STOCK FOR USE ON [illegible]

The Secretary to the Railway Board, Simla, has, in his letter No.12 dated the 4th March 1913 to the Secretary to the Government of Mysore for Railways, stated that "under existing orders all designs for Rolling Stock whether for State Company or Durbar owned lines are required to be approved by the Railway Board before they can be permitted to run on Railways, and that it is therefore necessary to submit the designs of Rolling stock for the Bowringpet-Kolar line 2' 6" gauge for the approval of the Railway Board."

It is obviously in the highest interests of the State that they should run only carriages of such design as are used in corresponding lines in British India and it is altogether improbable that they would depart from such a course. Nevertheless it has to be pointed out that there is no warrant in the Treaty for the assumption that the Railway Board have a right to declare that only certain classes of carri-

ages

carriages shall be run on State Lines.

(5) DEVIATIONS FROM STANDARD DIMENSIONS PRESCRIBED BY THE GOVERNMENT OF INDIA FOR OBSERVANCE ON RAILWAYS.

L, B, Q in printed book.

The following is the Railway Board's Circular on the subject:-

"The maximum and minimum dimensions given in the Schedule are to be observed on all lines and if, for any reason, it is proposed to execute any work or to procure Bridge girders, Station machinery, Rolling stock or other Railway material which will infringe the dimensions or loads given, the sanction of the Railway Board must be obtained through the Government Inspector of the Railway concerned before such work is commenced or order issued. The dimensions recommended for use on important lines ar given separately."

The observations made in respect of subject No.4 apply here also.

(6) APPLICATION FOR OPENING OF A RAILWAY FOR PASSENGER TRAFFIC.

This is always made to the Senior Inspecto of Railways appointed by the Government of Indi as the Government of His Highness the Maharaja have no Inspector of their own appointed under Section 4 of the Mysore Railway Regulation. The question of appointing an Inspector for the State was raised by this Government in 1897-98 and the First Assistant to the Hon'ble the Resident in his letter No.2586/382-90 dated the

the Durbar

the 14th June 1899 to the Dewan, informed in reply that the Government of India had reserved to themselves the right to appoint Inspectors.

The Mysore Treaty does not forbid the employment of Railway Inspectors by the Mysore Government.

(7) RESTRICTIONS REGARDING THE GRANT OF [illegible] LEASES.

H

Paragraph 4 of letter No.7159 dated the 4th November 1909 from the First Assistant to the Hon'ble the Resident to the Dewan of Mysore provides that "it will meet the views of the Government of India if their sanction is obtained before any lease is granted which is not in accordance with the rules now approved, or in which it is proposed to grant an area exceeding the limit of ten square miles prescribed in paragraph 2 above."

was Instrument Treaty

There is nothing in the Treaty under which such a restriction can be imposed.

three questions being printed here. may perhaps be omitted.

(8) ENHANCEMENT OF HIS HIGHNESS THE [illegible]'S CIVIL LIST.

(9) PAYMENT OF ALLOWANCES OR PENSIONS TO MEMBERS OF THE ROYAL FAMILY AND FIXING THE RATES OF SUCH PENSION.

(10) Whether the principle of a separate Civil List has been strictly followed i.e., whether charges properly debitable to the Palace are debitable to the General Administration.

C in printed Collection (page 1)

No.8. - In Demi-official letter dated the 20th July 1881 from Sir James Gordon, British Resident to His Highness the Maharaja, it is

is stated that the Civil List has been fixed at 13 lakhs and the question of the enhancement of this sum is subject to re-consideration by the Government of India.

No.9 - The payment of allowances and pensions to the members of the Royal Family sanctioned by the Government of India has been conveyed in letter No.2933-326-93 dated the 28th August 1893 from the First Assistant to the Hon'ble the Resident in Mysore to the Dewan.

Pages 47 & 48 of printed collection E.

No.10 - Demi-official letter dated the 7th March 1887 from the Resident in Mysore to the Dewan shows that the State Accounts were examined by the former with a view to see whether the principle of a separate Civil List had been strictly followed till then or not.

Page 4 "-do- D

Questions relating to the Civil List which include provision for members of the Royal family appear also to be outside the scope of the Treaty.

I have etc.,

Private Secretary
to His Highness the Maharaja
of Mysore.

C873
14/5/08

14/5/08

Superseded

To

The First Assistant to the Hon'ble
the Resident in Mysore.

Sir,

With reference to your letter No. 65-C/252, dated the 27th March 1918, enquiring at the instance of the Government of India whether His Highness the Maharaja desires to bring to notice any cases in which His Highness considers there has been a failure to fulfil pledges given by the British Government, I am directed by His Highness the Maharaja to state that the following are some of the cases in which the Government of India have issued instructions which are not quite in consonance with the provisions of the Instrument of Transfer or the Mysore Treaty of 1913 which superseded it :-

(1) MATTERS RELATING TO JURISDICTION OVER RAILWAYS.

Under article 1 of the Treaty which corresponds to article 2 of the Instrument of Transfer, His Highness the Maharaja is entitled to exercise jurisdiction over the territories of Mysore subject to the condition prescribed therein and there is nothing in the said Treaty precluding the exercise of such jurisdiction over a line of Railway in the State constructed and worked

by the Durbar, whether it is an isolated line or forms part of a line of continuous communication.

Article 14 of the Treaty, which merely reproduced article 15 of the Instrument of Transfer as modified by the instructions received with your letter No 5252 dated 1st September 1910, refers only to the grant of land by His Highness the Maharaja to the British Government when they desire to construct a railway and to transfer jurisdiction within such land, but not to the transfer of jurisdiction over the railways constructed and worked by the State. Nevertheless in paragraph 1 of his letter No.1012/4798 dated 2nd April 1891 to the Dewan of Mysore on the above subject the Hon'ble the Resident has stated as follows:-

" ---------- The subject has been carefully considered by the Government of India and it has I regret to have to inform you, felt itself compelled to come to a decision adverse to the wishes of the Durbar. It has been finally resolved that it is absolutely necessary as a question of Imperial Policy that the Government of India should exercise control over any railway in a Native State which forms part of a line of continuous communication and in order to exercise that control must have jurisdiction over it. ---------- " Nevertheless jurisdictionsover the marginally noted railways constructed and worked by the State

Kolar Goldfields Railway

Mysore - Arsikere.
Bowringpet - Kolar.
Kolar - Chickballapur.
Bangalore - Chickballapur.

State, have been allowed by the Government of India to be retained by the Mysore Government as stated in your letters No. 5962 dated 20.8.1915 and Nos. 7799 and 7853 dated 26th and 29th October 1915 respectively, but subject to the condition that jurisdiction over the lines should be ceded without demur, if Imperial Interests demanded ~~it~~ Them or if the lines ~~are to be~~ were extended ~~by~~ beyond the limits of the State. Such a limitation does not appear to be based on any provision of the Treaty.

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by the Durbar, whether it is an isolated line or forms part of a line of continuous communication.

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".....The subject has been carefully considered by the Government of India and it has, I regret to have to inform you, felt itself compelled to come to a decision adverse to the wishes of the Durbar. It has been finally resolved that it is absolutely necessary as a question of Imperial policy that the Government of India should exercise control over any Railway in a Native State which forms part of a line of continuous communication and in order to exercise that control must have jurisdiction over it ....."

(2) INAUGURATION OF NEW SCHEMES SUCH AS THE IRON SCHEME.

In

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Page 24 of the printed collection flag A

In connection with the scheme for the manufacture of iron in the State, the First Assistant to the Hon'ble the Resident has, in his letter No.3732 dated the 11th May 1917 to the Secre - tary to the Government of Mysore, General Department, stated as follows:-

"I am directed to inform you that the Hon'ble the Resident understands that with a view to the exploitation of their iron deposits in Shimoga, the Durbar contemplates entering into an agreement with the Firm known as the "Tata Iron and Steel Co."

"Under instructions received from the Government of India, Mr. Cobb requests that, before concluding any such agreement, the Durbar will be good enough to supply him with full information as to its character and terms together with two copies of the proposed agreement or agreements, should they have already been drafted.

"The Durbar, I am to add, no doubt realises fully that the policy of the Government of India in all such cases is dictated solely with the object of safeguarding and protecting, whenever this appears to be advisable, the interests of the State concerned".

The intervention contemplated in the above communication does not appear to be of the nature provided for in article 21 of the Mysore Treaty.

(3) <u>RESTRICTIONS REGARDING THE GRANT OF MINING LEASES.</u>

Paragraph

Paragraph 4 of letter No.7159 dated the 4th November 1909 from the First Assistant to the Hon'ble the Resident to the Dewan of Mysore provides that " it will meet the views of the Government of India if their sanction is obtained before any lease is granted which is not in accordance with the rules now approved, or in which it is proposed to grant an area exceeding th limit of ten square miles prescribed i paragraph 2 above". There is nothing in the Treaty under which such a restriction can be imposed.

(4) Memorial of Jagirdar of Yelandur.

His Highness would like to ~~draw~~ invite the attention of the Government of India in this connection to the method adopted in dealing with a Memorial submitted about a year ago by the Jaghirdar of Yelandur. The case was, from His Highness's point of view a peculiarly delicate and personal one as the Jaghirdar questioned ~~his~~ right to regulate the affairs of ~~his~~ Jaghir.

The Hon'ble the Resident insisted on an "official" report of the case being sent to him confidentially and though he was apparently satisfied that the Memorialist had no case he felt it his duty instead of withholding the Memorial to submit it to Supreme Government for orders, and the ~~latter's~~ decision was so worded as to shew that they had sat in judgment on

on the merits of the case.

I am to submit that the whole question was entirely one of " internal administration " the independence of which had been guaranteed by the Treaty of 1913 and though the decision of the Supreme Government was in accordance with His Highness's ~~favour~~ its wording was hardly consistent with the spirit if not the letter of the Treaty and was calculated to lower His Highness's authority in the eyes of the Jaghirdar and the public.

I have, &c.,

29/8

Private Secretary to His Highness
the Maharaja of Mysore.

Revised draft
Urgent & Confl.

No. G 33
G. M. 679-17-2

Camp Mysore
Bangalore, 9th Oct
the ~~September~~ 1918.

To

The First Assistant to the
Hon'ble the Resident in Mysore.

Sir,

With reference to your letter No.60 C/252, dated the 27th March 1918, enquiring, at the instance of the Government of India, whether His Highness the Maharaja desires to bring to notice any cases in which His Highness considers there has been a failure to fulfil pledges given by the British Government, I am directed ~~by His Highness the Maharaja~~ to say that His the ~~the Mysore~~ Government appreciate the careful regard for the Indian Treaty Rights of ~~Native~~ States which has induced the Supreme Government to invite their representations. They ~~would~~ also ~~like~~ to acknowledge the liberal and sympathetic spirit which the Supreme Government has always evinced in all important matters concerning His Highness's person and family and the welfare of the Mysore State.

2. There are however, one or two ~~minor~~ matters in which, in His Highness's opinion, the Government of India have issued instructions which do not seem quite in consonance with the provisions of the Instrument of Transfer of the Mysore Treaty of 1913.

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(1) Matters relating to jurisdiction over Railways.

Under Article 1 of the Treaty which corresponds to Article 2 of the Instrument of Transfer, His Highness the Maharaja is entitled to exercise jurisdiction over the territories of Mysore, subject to the condition prescribed therein, and there is nothin in the said Treaty precluding the exercise of such jurisdiction over a line of Railway in the State constructed and worked by the Durbar, whether it is an isolated line or forms part of a line of continuous communication.

Article 14 of the Treaty, which merely reproduces Article 15 of the Instrument of Transfer, as modified by the instructions received with your letter No. 5252 dated the 1st September 1910, refers only to the grant of land by His Highness the Maharaja to the British Government when they desire to construct a Railway and to transfer jurisdiction within such land, but not to the transfer of jurisdiction over the Railways constructed and worked by the State. Nevertheless in paragraph 1 of his letter No. 1012/ 4798 dated the 2nd April 1891 to the Dewan of Mysore on the above subject , the Hon'ble the Resident has stated as follows:-

"..... The Subject has been carefully considered by the Government of India and it has, I regret to have to

inform you, felt itself compelled to come to a decision adverse to the wishes of the Durbar. It has been finally resolved that it is absolutely necessary as a question of Imperial Policy that the Government of India should exercise control over any Railway in a Native State which forms part of a line of continuous communication and in order to exercise that control must have jurisdiction over it ....."

Kolar Gold Fields Railway
Mysore-Arsikere "
Bowringpet- Kolar "
Kolar-Chikballapur "
Bangalore-Chikballapur "

Nevertheless jurisdiction over the marginally noted Railways constructed and worked by the State, has however been allowed by the Government of India to be retained by the Mysore Government as stated in your letters No. 3962 dated 20-8-1915 and Nos. 7799 and 7853 dated 26-and 29th October 1915, respectively, but subject to the condition that jurisdiction over the lines should be ceded without demur, if Imperial interests demanded them or if the lines were extended beyond the limits of the State. Such a limitation does not appear to be based on any provision of the Treaty.

(2) Inauguration of New Schemes such as the iron scheme.

In connection with the Scheme for the manufacture of Iron in the State, the First Assistant to the Hon'ble the Resident has, in his letter No. 3732 dated the 11th May 1917, to the Secretary to the Government of Mysore, General Department, stated as follows:-

" I am directed to inform you that the Hon'ble the Resident understands that with a view to the exploitation of their iron deposits in Shimoga, the Durbar contemplat entering into an agreement with the Firm known as The " Tata Iron and Steel Company'

" Under instructions received from the Government of India, Mr. Cobb requests that before concluding any such agreement, the Durbar will be good enough to supply him with full information as to its charac ter and terms together with two copies of the proposed agreement or agreements, should they have already been drafted."

" The Durbar, I am to add, no doubt realises fully that the policy of the Government of India in all such cases is dictated solely with the object of safe-guarding and protecting, whenever this appears to be advisable, the interests of the State concerned."

The Mysore Government while appre-ciating fully the final decision of the Government of India not to interfere in the matter of the Iron Scheme cannot help feeling that the intervention contemplated in the above communication does not appear to be of the nature provided for in Articl 21 of the Mysore Treaty.

(3) <u>Restrictions regarding the grant of Mining leases</u>.

Paragraph 4 of letter No. 7159

dated the 4th November 1909 from the first Assistant to the Hon'ble the Resident , to the Dewan of Mysore , provides that "It will meet the views of the Government of India if their sanction is obtained before any lease is granted which is not in accordance with the rules now approved, or in which it is proposed to grant an area exceeding the limits of 10 Square Miles prescribed in Paragraph 2 above." There is nothing in the Treaty under which such a restriction can be imposed.

(4) Memorial of the Jaghirdar of Yelandur.

His Highness would like to invite the attention of the Government of India, in this connection, to the method adopted in dealing with a memorial submitted about a year ago by the Jaghirdar of Yelandur. The case was, from His Highness's point of view, a peculiarly delicate and personal one as the Jaghirdar questioned His Highness's right to regulate the affairs of the Jaghir The Hon'ble the Resident insisted on an "Official" , though confidential, report of the case being sent to him confidentially, and felt it his duty to submit the memorial to the Supreme Government for orders; the decision of the Government of India in the case was also so worded as to show that they had passed judgment on the merits of the case.

I am to represent that the whole question was entirely one of "internal

administration", the independence of which had been guaranteed by the Treaty of 1913 and though the decision of the Supreme Government was in accordance with His Highness's own, its wording was hardly consistent with the spirit, if not the letter, of the Treaty, and was calculated to lower His Highness's authority in the eyes of th Jaghirdar and the public.

I may add that the letter under reply was addressed to me though it does not deal with any question purely personal to His Highness the Maharaja and to reques that all future communications on the subject may kindly be sent to His Highness Government in the usual way.

I have etc.,

Private Secretary
to H.H. the Maharaja of Mysore.